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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,048	03/24/2005	Holger Klapproth	4587-045811	1766

28289 7590 01/26/2007
THE WEBB LAW FIRM, P.C.
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EXAMINER

GEISEL, KARA E

ART UNIT	PAPER NUMBER
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2877

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.		Applicant(s)	
	10/529,048		KLAPPROTH ET AL.	
	Examiner		Art Unit	
	Kara E. Geisel		2877	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-19, 22 and 23 is/are allowed.
- 6) ☒ Claim(s) 20, 21 and 24-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>0905</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Preliminary Amendment

The preliminary amendment filed on March 24th, 2005, has been entered into this application.

Priority

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

The certified copy has been filed in this application on March 24th, 2005.

Information Disclosure Statement

The information disclosure statement filed on September 12th, 2005 has been considered by the examiner.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 20-21, and 24-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 20 (line 3), 21 (line 4), and 25 (line 2), the phrase "preferably" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claims 20 (line 4), and 24 (lines 2-3), the phrase "in particular" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claims, which are dependent from claims 20-21, and 24-25 inherit the problems of these claims, and are therefore also rejected under 35 U.S.C. 112, second paragraph.

Allowable Subject Matter

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Claims 15-19, and 22-23 are allowed over the prior art of record.

Claims 20-21 and 24-26 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter:

As to claim 15, the prior art of record, taken alone or in combination, fails to disclose or render obvious a device for the detection of at least one luminescent substance with at least one radiation receiver which is insensitive to the excitation radiation, for the detection of the luminescent radiation, and whereby the radiation source is located outside a measurement chamber such that the excitation radiation is injected through a wall area of the measurement chamber that faces the radiation source and is transparent for the excitation radiation through the measurement chamber into the interior of the measurement chamber, wherein the wall area is formed by a semiconductor substrate and that the at least one radiation receiver is integrated in the form of a semiconductor assembly into the semiconductor substrate, in combination with the rest of the limitations of claim 15.

Additional Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art made of record is Kroneis et al. (USPN 4,703,182), Parce et al. (USPN 5,278,048), and Freeman et al. (USPN 6,701,032).

Kroneis discloses a device for the detection of at least one luminescent substance, with a radiation source for the emission of excitation radiation on the at least one luminescent substance, whereby the excitation radiation has at least one excitation wavelength at which the luminescent substance is excited to emit luminescent radiation, and with at least one radiation receiver for the detection of the luminescent radiation, whereby the luminescent substance is located in the interior of a measurement chamber which is essentially impermeable to the radiation to which the radiation receivers are sensitive, and whereby the radiation source is located outside the measurement chamber such that the excitation radiation is injected

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through a wall area of the measurement chamber that faces the radiation source and is transparent for the excitation radiation through the measurement chamber into the interior of the measurement chamber.

Parce discloses a device for the detection of at least one luminescent substance, with a radiation source for the emission of excitation radiation on the at least one luminescent substance, whereby the excitation radiation has at least one excitation wavelength at which the luminescent substance is excited to emit luminescent radiation, and with at least one radiation receiver for the detection of the luminescent radiation, whereby the luminescent substance is located in the interior of a measurement chamber, and whereby the radiation source is located outside the measurement chamber such that the excitation radiation is injected through a wall area of the measurement chamber that faces the radiation source and is transparent for the excitation radiation through the measurement chamber into the interior of the measurement chamber, wherein another wall area is formed by a substrate and that the at least one radiation receiver is integrated in the form of an assembly into the substrate.

Freeman discloses a device for the detection of at least one luminescent substance, with a radiation source for the emission of excitation radiation on the at least one luminescent substance, whereby the excitation radiation has at least one excitation wavelength at which the luminescent substance is excited to emit luminescent radiation, and with at least one radiation receiver which is insensitive to the excitation radiation, for the detection of the luminescent radiation, whereby the luminescent substance is located in the interior of a measurement chamber which is essentially impermeable to the radiation to which the radiation receivers are sensitive, and whereby the radiation source is located outside the measurement chamber such that the excitation radiation is injected through a wall area of the measurement chamber that faces the radiation source and is transparent for the excitation radiation through the measurement chamber into the interior of the measurement chamber, wherein another wall area is formed by a semiconductor substrate.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kara E Geisel whose telephone number is **571 272 2416**. The examiner can normally be reached on Monday through Friday, 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr. can be reached on **571 272 2800 ext. 77**. The fax phone number for the organization where this application or proceeding is assigned is **571 273 8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Kara Geisel", with a stylized flourish at the end.

Kara E. Geisel
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January 19, 2007